

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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THE CITY OF NEW YORK,

Plaintiff,

-against-

NOT FOR PUBLICATION  
**ORDER**  
08-CV-3966 (CBA)

GOLDEN FEATHER SMOKE SHOP, INC., KIMO  
SMOKE SHOP, INC., SMOKE AND ROLLS INC.,  
SHAWN MORRISON, KIANA MORRISON, in her  
individual capacity, MONIQUE'S SMOKE SHOP,  
ERNESTINE WATKINS, in her individual capacity,  
JESSEY WATKINS, WAYNE HARRIS, PEACE PIPE  
SMOKE SHOP, RODNEY MORRISON, Sr.,  
CHARLOTTE MORRISON, in her individual capacity,  
RED DOT & FEATHERS SMOKE SHOP, INC.,  
RAYMOND HART, in his individual capacity,  
SMOKING ARROW SMOKE SHOP, DENISE  
PASCHALL, in her individual capacity, TONY D.  
PHILLIPS, TDM DISCOUNT CIGARETTES, and  
THOMASINA MACK, in her individual capacity,

Defendants.

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AMON, Chief United States District Judge:

1. During a telephone status conference on April 1, 2010, this Court granted the City's motion for a default judgment against defendant Tony Phillips, who has never appeared in this action. The Court conditioned this order on the City filing a letter verifying that Phillips was served with the default motion papers. The City submitted a letter later that day stating that Rule 55 of the Federal Rules of Civil Procedure did not require Phillips to be served with the default motion papers because he never appeared in this action. In light of the July 2011 amendment to Local Civil Rule 55.2, which requires a party seeking default judgment to mail a copy of the motion papers to the last known residence of the party against whom a default judgment is sought, the City now proposes to mail a copy of the previously filed default motion to Phillips's last known address. The Court agrees that this is the best course of action, and orders that the

City shall file an affidavit of mailing with the Court before the next scheduled status conference on October 17, 2011.

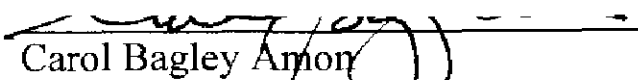
2. On June 25, 2010, this Court found defendants Jesse Watkins, Wayne Harris, and Rodney Morrison in contempt of the Court's August 25, 2009 injunction. On September 23, 2010, this Court "so ordered" a stipulation between the City and Morrison in which Morrison agreed to pay \$70,000 in contempt damages by October 20, 2010. Having not received this payment, the City now requests permission to move for an entry of judgment on a separate document in accordance with Rule 58(d) of the Federal Rules of Civil Procedure, so that the City may enforce its judgment against Morrison. The City's request is granted.

3. The City also requests that a hearing date be scheduled to determine the amount of contempt damages to be awarded against Jesse Watkins. This matter should be raised at the October 17, 2011 status conference.

SO ORDERED.

Dated: Brooklyn, New York  
October 4, 2011

s/CBA

  
Carol Bagley Amon  
Chief United States District Judge